

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Owen Godshall	Team: Squad #15	CCRB Case #: 201908719	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 08/08/2019 11:12 PM	Location of Incident: 90 Park Avenue	Precinct: 121	18 Mo. SOL 2/8/2021	EO SOL 9/25/2021	
Date/Time CV Reported Tue, 09/17/2019 8:20 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 10/04/2019 11:14 AM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			
2. POF Lauren Brooke	15537	964407	121 PCT
3. POM Steven Cosentino	11555	948816	121 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Lauren Brooke	Abuse: Police Officer Lauren Brooke forcibly removed § 87(2)(b) to the hospital.	
B.POM Steven Cosentino	Abuse: Police Officer Steven Cosentino forcibly removed § 87(2)(b) to the hospital.	
C.POM Steven Cosentino	Force: Police Officer Steven Cosentino used physical force against § 87(2)(b)	
D. Officers § 87(4-b), § 87(2)(g)	Force: Officers used physical force against § 87(2)(b)	

Case Summary

On September 17, 2019, § 87(2)(b) filed this complaint with the CCRB via telephone.

At approximately 11:12 p.m. on August 8, 2019, § 87(2)(b) was panhandling in front of 90 Park Avenue on Staten Island. He was approached by Police Officer Lauren Brooke and Police Officer Steven Cosentino of the 121st Precinct. The two officers told § 87(2)(b) to leave the location. When he refused to leave, they called for assistance from several unidentified officers. They then forcibly removed him via ambulance to § 87(2)(b) **(Allegations A and B: Abuse of Authority – Forcible removal to the hospital, § 87(2)(g))**. While doing so, Police Officer Cosentino and several of the other officers allegedly swept § 87(2)(b) legs out from underneath him, causing him to fall to the ground **(Allegations C and D: Force – Physical force, § 87(2)(g))**. The impact allegedly knocked out several of § 87(2)(b) teeth. § 87(2)(b) was discharged from the hospital early the next morning.

§ 87(4-b), § 87(2)(g)

No video footage was found from this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Lauren Brooke forcibly removed § 87(2)(b) to the hospital.

Allegation (B) Abuse of Authority: Police Officer Steven Cosentino forcibly removed § 87(2)(b) to the hospital.

§ 87(2)(b) provided a telephone statement to the CCRB on October 10, 2019 (Board Review #01). He was interviewed at the CCRB on October 11, 2019. He provided follow-up statements to the CCRB via telephone on November 6, 2019 and December 2, 2019 (Board Review #02-03). Police Officer Brooke and Police Officer Cosentino were interviewed at the CCRB on October 14, 2020.

It is undisputed that § 87(2)(b) was transported to § 87(2)(b) while in police custody on August 8, 2019.

§ 87(2)(b) initially mentioned this incident during a sworn statement that he provided regarding a separate incident that occurred on § 87(2)(b), which is recorded in CCRB #§ 87(2)(b). § 87(2)(b) did not provide the date, time or location of this incident, stating only that it occurred before September 13, 2019. At the time, § 87(2)(b) stated only that he was arrested for panhandling by a group of officers, and that a group of officers pushed him to the ground while doing so. He did not allege suffering any injuries as a result of this action.

During subsequent telephone statements, § 87(2)(b) provided additional information about this incident. He stated then that this incident, rather than the incident from CCRB #§ 87(2)(b) occurred on § 87(2)(b). He did not know where the incident occurred but believed that it occurred somewhere along Forrest Avenue in Staten Island. Based on § 87(2)(b) medical records, however, the investigation eventually determined that the incident date occurred at approximately 11:12 p.m. on August 8, 2019 at 90 Park Avenue in Staten Island.

§ 87(2)(b) stated that he was panhandling at the incident location. He did not recall if there was a

specific location he was standing near at the time. Two uniformed officers, identified by the investigation as Police Officer Brooke and Police Officer Consentino, approached § 87(2)(b) and told him several times to move. § 87(2)(b) ignored the officers and started whistling. When the officers continued insisting that he move, § 87(2)(b) told them that he had done nothing wrong and did not have to move. The two officers then called for backup. Several additional uniformed officers responded to the location. § 87(2)(b) described one of them as a Hispanic female, and the others only as males. Several of these officers then forced § 87(2)(b) into an ambulance. § 87(2)(b) did not recall when the ambulance arrived. The ambulance drove § 87(2)(b) to § 87(2)(b). § 87(2)(b) waited there for two hours before he was discharged. He denied receiving any sort of treatment at the hospital.

§ 87(2)(b) also stated that after this incident, he struck up a friendship with Police Officer Brooke. He interacted with her again on at least one other occasion after this incident. § 87(2)(b) believed that Police Officer Brooke was eventually transferred out of the 121st Precinct because her supervisors felt that she had become too close to him. § 87(2)(b) mistakenly believed Police Officer Brooke's first name to be "Daphne."

Both Police Officer Brooke and Police Officer Cosentino stated that they did not explicitly recall this incident. Both had entries in their memo books noting that they removed § 87(2)(b) to the hospital as an emotionally disturbed person on August 8, 2019 (Board Review #04-05). They noted, though, that they have had numerous interactions with § 87(2)(b) both before and after August 8, 2019, including several instances in which they sent § 87(2)(b) to the hospital as an emotionally disturbed person. They also noted that § 87(2)(b) is familiar with them due to their frequent interactions, though he refers to Police Officer Brooke as "Daphne." Neither Police Officer Brooke nor Police Officer Cosentino recalled why § 87(2)(b) was hospitalized on August 8, 2020. They did not recall if § 87(2)(b) displayed any behavior suggesting that he was emotionally disturbed during their interaction that day. They were not aware of § 87(2)(b) suffering from any other medical issues besides emotional disturbance. Neither officer recalled if any other officers were present during this incident.

No AIDED worksheets were prepared for this incident (Board Review #06). A review of the 121st Precinct event summary found several potential ICAD events that could have corresponded to this incident (Board Review #06). When information for these events was requested from DAO, however, they were found to have no records attached to them (Board Review #07). The investigation was therefore unable to identify any other officers who were with Police Officer Brooke and Police Officer Cosentino.

§ 87(2)(b) medical records state that between § 87(2)(b) and § 87(2)(b), § 87(2)(b) was treated at § 87(2)(b). § 87(2)(b) was only in police custody during the first of these incidents. On § 87(2)(b), § 87(2)(b) was transported to the hospital by EMS as an emotionally disturbed person. § 87(2)(b) prehospital care report summary stated that the police informed EMS that § 87(2)(b) had harassed his neighbors. § 87(2)(b) had allegedly stood in the middle of a street and refused to move. EMS transported § 87(2)(b) to § 87(2)(b). Neither the prehospital care report nor the hospital records mentioned § 87(2)(b) having any physical injuries, including any missing teeth. § 87(2)(b) was released several hours later without receiving any treatment (Privileged Documents).

§ 87(2)(g)

§ 87(2)(g)

§ 87(2)(g)

Allegation (C) Force: Police Officer Steven Cosentino used physical force against § 87(2)(b)

Allegation (D) Force: Officers used physical force against § 87(2)(b)

§ 87(2)(b) stated that after Police Officer Brooke and Police Officer Cosentino called for backup, Police Officer Cosentino and several of the back officers grabbed § 87(2)(b) by his neck, back and waist and attempted to push him down. § 87(2)(b) could not recall what the officers who assisted Police Officer Cosentino looked like, save that they were all male. Police Officer Brooke did not join these officers. § 87(2)(b) was able to push back against the officers and stay on his feet. The officers told § 87(2)(b) to get on the ground, but he refused to cooperate. The officers attempted to sweep § 87(2)(b) legs out from underneath him but were unable to move his legs. After about five minutes of pushing, however, the officers were finally able to overpower § 87(2)(b) and push him onto the ground. § 87(2)(b) landed face-down, with his jaw striking the ground. The impact knocked out three or four of the teeth on his lower jaw. § 87(2)(b) did not allege any other injuries. The officers then loaded § 87(2)(b) into the ambulance and transported him to the hospital. § 87(2)(b) stated that the officers started jokingly calling him § 87(2)(b) because he was able to resist the officers' efforts to subdue him for so long.

Police Officer Brooke and Police Officer Cosentino both stated that they did not recall their interaction with § 87(2)(b) in any detail. They did not recall if they or any other officers engaged in a physical altercation with § 87(2)(b) while riding to the hospital. They did not recall officers struggling to bring § 87(2)(b) to the ground. They did not recall § 87(2)(b) suffering any physical injuries during the incident, including losing any teeth. Both officers also stated that during their many interactions with § 87(2)(b) he has referred to himself by the nickname § 87(2)(b). They denied that they or any other officers use that nickname.

No TRI reports or AIDED worksheets were prepared for this incident (Board Review #06, 08). As mentioned above, several potential ICAD events were located for this incident, but DAO could not find any records associated with the events (Board Review #07).

§ 87(2)(b) medical records state that § 87(2)(b) was treated as an emotionally disturbed person. None of his medical records mentioned § 87(2)(b) having any physical injuries, including any missing teeth. § 87(2)(b) was released several hours later without receiving any treatment (Privileged Documents).

§ 87(2)(g)

§ 87(2)(g)

§ 87(4-b), § 87(2)(g)

Civilian and Officer CCRB Histories

- § 87(2)(b) has been party to one other CCRB complaint and has been named as a victim in eight allegations (Board Review #10):
 - § 87(2)(b)
- Police Officer Brooke has been a member of the service for three years and has been listed as a subject officer in one previous CCRB complaint and two allegations, neither of which was substantiated. § 87(2)(g)
- Police Officer Cosentino has been a member of the service for ten years and has been listed as a subject officer in seven previous CCRB complaints and eleven allegations, none of which were substantiated. § 87(2)(g)

Mediation, Civil and Criminal Histories

- This complaint was ineligible for mediation.
- As of November 20, 2020, § 87(2)(b) has not filed a Notice of Claim regarding this incident with the NYC Office of the Comptroller.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Squad No.: 15

Investigator: Owen Godshall Inv. Owen Godshall 01/08/2021
Signature Print Title & Name Date

Squad Leader: Simon Wang IM Simon Wang 01/13/2021
Signature Print Title & Name Date

Reviewer: _____
Signature Print Title & Name Date